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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>FRZ-106US</b>
INTERNATIONAL APPLICATION NO. <b>PCT/AT2004/000282</b>		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/567,498</b>
INTERNATIONAL FILING DATE <b>09 August 2004 (09.08.2004)</b>		PRIORITY DATE CLAIMED <b>07 August 2003 (07.08.03)</b>
<b>TITLE OF INVENTION</b> DEVICE USED FOR NEEDLE BIOPSY		
APPLICANT(S) FOR DO/EO/US Michael Frass, et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>		
<b>Items 11 to 20 below concern document(s) or information included:</b> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A preliminary amendment.</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13/er.2 and 37 CFR 1.821- 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information: Second Preliminary Amendment; PTO-2038; Copy of 371 Formalities Letter; Return Post Card</li> </ol>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/567,498	INTERNATIONAL APPLICATION NO. PCT/AT2004/000282	ATTORNEY'S DOCKET NUMBER FRZ-106US		
The following fees have been submitted		CALCULATIONS PTO USE ONLY		
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300		\$		
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)... \$0 All other situations..... \$200		\$		
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)... \$0 Search fee (37 CFR 1.44(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US. and provided to the Office or previously communicated to the US by the IB ..... \$400 All other situations..... \$500		\$		
<b>TOTAL OF 21, 22 and 23 =</b>		\$		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number) RATE		
- 100 =	/50 =	x \$250 \$		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$ 130		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	- 20 =		x \$ 50 \$	
Independent claims	- 3 =		x \$200 \$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.				
<b>SUBTOTAL =</b> \$ 65				
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). + \$				
<b>TOTAL NATIONAL FEE =</b> \$ 65				
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + \$ 40				
<b>TOTAL FEES ENCLOSED =</b> \$ 105				
		Amount to be refunded:	\$	
		Amount to be charged:	\$	
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.				
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.				
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>18-0350</u> . A duplicate copy of this sheet is enclosed.				
d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. <small>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</small>	<small>03/05/2007 GEREY1 020000007 10567498 01 FC:2617 65.00</small>			
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.				
SEND ALL CORRESPONDENCE TO:				
<input checked="" type="checkbox"/> Customer Number <u>23122</u>				
OR				
<input type="checkbox"/> Ratner Prestia, P.O. Box 980, Valley Forge, PA 19482				
<input type="checkbox"/> Ratner Prestia, P.O. Box 1596, Wilmington, DE 19899				
Date : <u>March 2, 2007</u>	REGISTRATION NUMBER			

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Michael Frass, et al.

Docket No.

FRZ-106US

Serial No.

10/567,498

Filing Date

Herewith

Examiner

Group Art Unit

1614

Invention: DEVICE USED FOR NEEDLE BIOPSY

I hereby certify that the following correspondence:

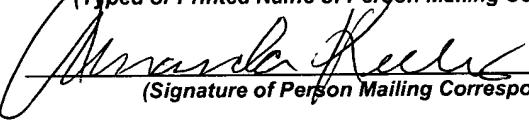
PTO-1390; Declaration and Power of Attorney; copy of 371 Formalities Letter; PTO-2038; Post Card;  
Second Preliminary Amendment; Assignment; PTO-1595; Certificate of Mailing

(Identify type of correspondence)

Is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to:

Mail Stop PCT,  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
on March 2, 2007Amanda Kelly

(Typed or Printed Name of Person Mailing Correspondence)

  
(Signature of Person Mailing Correspondence)EV 666502865 US

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.



UNITED STATES PATENT AND TRADEMARK OFFICE

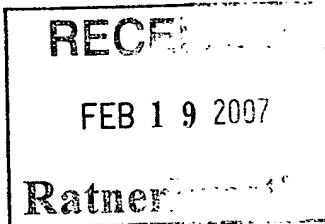
Page 1 of 2

Res. Due (2nd) 4-14-07

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/567,498	Michael Frass	FRZ-106US

23122  
RATNERPRESTIA  
P O BOX 980  
VALLEY FORGE, PA 19482-0980



INTERNATIONAL APPLICATION NO.	
PCT/AT04/00282	
I.A. FILING DATE	PRIORITY DATE
08/09/2004	08/07/2003

CONFIRMATION NO. 9870  
371 FORMALITIES LETTER



\*OC000000022498730\*

Date Mailed: 02/14/2007

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/07/2006
- English Translation of the IA filed on 02/07/2006
- Copy of the International Search Report filed on 02/07/2006
- Preliminary Amendments filed on 02/07/2006
- Information Disclosure Statements filed on 02/07/2006
- Oath or Declaration filed on 02/07/2006
- Request for Immediate Examination filed on 02/07/2006
- U.S. Basic National Fees filed on 02/07/2006
- Priority Documents filed on 02/07/2006
- Specification filed on 02/07/2006
- Claims filed on 02/07/2006
- Abstracts filed on 02/07/2006
- Drawings filed on 02/07/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

KAREN R MCLEAN

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Telephone: (703) 308-9140 EXT 214

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/567,498	PCT/AT04/00282	FRZ-106US

FORM PCT/DO/EO/905 (371 Formalities Notice)